

CURRENT LEGAL TECHNIQUES & VISIONS OF THE FUTURE:

TWO SEMINARS FOR LEGAL STAFF AND THE SOLE PRACTITIONER

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Chairpersons: Adrienne K. Rubenstein, Linda Michalik, Kerry Follis, & Cathy Campbell

ROGER WINTERS is the Electronic Court Records (ECR) Program Manager for the King County Department of Judicial Administration, which is the Superior Court Clerk's Office in King County.

Roger's first career was in college teaching. He has a BA in government from Indiana University and an MA in political science from Harvard. He taught political science at Central Washington University in the '70s. He joined King County government in 1980, moving to the Department of Judicial Administration in 1988. Roger is on the State Electronic Filing Standards Work Group, the State Bar Association's Electronic Communications Committee, the Washington Clerks' Association's Records Committee, and the Washington State Archivist's Task Force on Technology. He participated in the Secretary of State's committee to implement the Washington Electronic Authentication Act, and was a founding member of the Records Management Advisory Committee for the State's Courts. He is a member of ARMA (Association for Records and Information Management) and AIIM (Association for Imaging and Information Management).

With the largest state judicial records system in the Northwest, King County's Clerk receives an average of 8,000 documents a day for case files, which by law must be retained indefinitely. ECR has changed the Court's official case records from hard copy file folders to electronic files. This change, begun with imaging active case files this year, will lead to substantial changes in the Court and the practice of law in King County. The current phase of ECR will link the courtrooms and law, safety & justice agencies of King County with the images. This is targeted for the end of October. After that, King County will develop electronic filing and remote access systems to complete its vision of the "online" case record.

Roger Winters

Electronic Court Records (ECR) and the Law Office; How electronic filing may affect the practice of law

Roger Winters, Electronic Court Records Manager, King County Superior Court

1. Overview of the King County Electronic Court Records (ECR) Program

Since the early 1990's, the King County Superior Court Clerk has wrestled with the problems of ever-increasing caseload and court filings. Growth of papers filed from less than 4,000 per day to the present 8,000 per day indicates the magnitude of the problem faced in King County. The Clerk must process all documents by performing various data entry, indexing, and other tasks. Documents have to be sorted and placed in file folders before they are useable by the Court, litigants, or others. The process takes five full days. And staff and other resources continue to be reduced due to limited funding.

a. Imaging the court case record

Today, the Clerk is imaging (scanning) the documents filed for all cases which were opened on or after January 3, 2000. This creates an electronic version of every page filed in those cases. The hard copy file is still being maintained so long as the Court and others do not yet have direct access to the case files as images.

b. Internal use of images by the Clerk's Office

The Clerk is now able to do its internal processing from images, rather than hard copy files. Since papers must be disassembled, prepared for scanning, and reassembled before placement into the hard copy file folder, time-in-process savings are not significant. However, the Clerk is able to do its data entry and other tasks more efficiently due to eliminating the physical movement of papers from desk to desk. Also, work tasks are now assigned to workflow queues, from which Clerks take the work items they perform, such as data entry into SCOMIS, judgment processing, or setting up calendars.

c. Court and intra-County access to ECR

This year, the Clerk is providing equipment, training, and support to make sure the Court and other law, safety and justice departments within King County can access the imaged case files, beginning in the 3rd or 4th quarter. As those who use the court file within King County begin to rely on obtaining them as images from their workstations, rather than going to the Clerk to obtain a one-and-only-one hard copy file to use, they will begin to find efficiencies in their work processes. Images will be accessible much more quickly than paper files could ever be. Lost and misfiled records will virtually be eliminated. After an initial period of training and practice using the image viewing software, King County's Court file users will find the new imaging system far preferable to the old way of keeping the record. Access costs for the Clerk will be substantially reduced when this stage is achieved. Users will be able to make copies from images as they need to, but they will be able to rely on the images still being there every time they call for them in the imaging system. Public Access within the Clerk's office will also become image based, as terminals are placed in public viewing areas for their use. Copies will have to be ordered and obtained from a clerk at the counter, however.

d. External access to ECR

On-line access to electronic images will eventually become available in King County, but exactly when is not yet known. Access to the images within the County requires use of a web browser, but it is all within the security of the County's Wide Area Network. Not only must security issues be faced in "going public" with images accessible through the Internet, there are software licensing costs to be covered that are not currently funded. These costs can be substantial. The Clerk continues to work on its plans for this extension of image access beyond the County.

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e. Electronic filing

The culmination of the Clerk's plans for electronic files is electronic filing. This will involve litigants and the Court creating documents for the court file from forms they would obtain from the Clerk's website or otherwise. These would be specially structured formats which can be used to create a broad range of documents, e.g., pleadings, orders, pattern forms, templates. Paper documents would not have to be created. Documents would be submitted electronically, the Clerk would be able to review and accept/reject them, the filer and other parties in a case could get confirmation messages on filed documents, etc. Documents will, as much as possible, be designed so that the data items in them that are needed for SCOMIS or other systems can be extracted by automation. Clerks might still check them for correctness, completeness, etc., but the Clerks would be freed from having to re-type and data enter the information by hand. The savings in time and accuracy would be substantial. Documents of this sort would be saved in the same electronic filing system as the images, and case files could be made up from both images (made from hard copy filings) and electronic documents filed over the Internet. All documents would be displayed in human readable form through viewing software, inside and outside the County.

2. Overview of electronic filing of digital documents

The King County Electronic Court Records system looks forward to a time when most documents will be "digital" in the Court's filing system. Electronic filing will realize great savings for everyone involved. Documents would not have to be hand-delivered or sent by messenger services. They would be reliably signed using "digital signatures" under the new Electronic Authentication Act in our state. Data items would be "tagged" in standard document formats, provided by the Clerk and otherwise, so they can be

located and transferred from the source documents into SCOMIS and other systems. The technology used for court filings will have substantial applicability within other systems, such as law firm document management systems, using the same types of tools and standards.

During the seminar session, the following matters will be covered in more detail, in general and as they apply to the King County Clerk's plans for the future Electronic Filing phase of ECR.

- a. What are digital documents?
- b. XML (eXtensible Markup Language) and its uses (e.g., automating data capture)
- c. How electronic filing should work
- d. Progress to date (XML standards, application development)

3. Potential impact on the law office

The Superior Court Clerk receives filings from many law offices ranging from the sole practitioner to the large firm. In addition, filings are presented from *pro se* (self represented) litigants, from the Court, the Prosecuting Attorney, defense counsel, and others. King County believes that the modernization it is bringing to document management for the Court's case files will have collateral benefits for all filers. During the seminar session, the following suggestions and ideas will be reviewed with the participants. Discussion involving those who work in preparing and accessing filings for Superior Court will greatly help the Clerk to plan this last phase of ECR, electronic filing. There will also be information on how participants in this seminar can stay abreast of the developing systems related to electronic legal documents, in areas beyond court filings, as well.

- a. New work: preparing e-filings in new ways, integrating electronic document management
- b. New tools: forms, templates, web documents, e-filing providers
- c. Impact on litigation: improved timing/accessibility, more timely judicial information
- d. Law practice benefits:
 - 1). XML and legal information management
 - 2). XML for legal documents generally.

4. Question & Answer